

**COMMONWEALTH OF KENTUCKY
MINE SAFETY REVIEW COMMISSION
ADMINISTRATIVE ACTION NO. 03-MSRC-004**

**COMMONWEALTH OF KENTUCKY,
DEPARTMENT OF MINES AND MINERALS**

COMPLAINANT

v.

**JACKIE HOLBROOK, TIMOTHY HOPKINS
And HAROLD SWINEY**

RESPONDENTS

* * * * *

DEFAULT JUDGMENT

* * * * *

A Motion for Default Judgment having been filed in this matter on June 17, 2003 against the Respondent, Harold Swiney, and the members of the Mine Safety Review Commission being fully advised,

IT IS HEREBY ORDERED AND ADJUDGED, that

1. The allegations contained in the Complaint filed on April 15, 2003 are deemed admitted and the Motion for Default Judgment against the Respondent, Harold Swiney is **GRANTED**;

2. The Respondent Harold Swiney's Electrician's Certificate, PE-***-**, issued by the Commonwealth of Kentucky, shall be **SUSPENDED** for a period of one (1) month, effective August 21, 2003;

3. Upon expiration of the aforesaid suspension period, the Respondent's Electrician's Certificate shall be placed on **PROBATION** for a period of eleven (11) months, terminating on August 20, 2004;

4. The Respondent Harold Swiney's Underground Mine Foreman's

Certificate, A-***-**, issued by the Commonwealth of Kentucky, shall be
SUSPENDED for a period of one (1) month, effective August 21, 2003;

5. Upon expiration of the aforesaid suspension period, the
Respondent's Underground Mine Foreman's Certificate shall be placed on
PROBATION for a period of eleven (11) months, terminating on August 20,
2004;

6. The Commission advises the Respondent that the Default
Judgment entered against him in this matter could be used to enhance any
subsequent violations should they occur and be adjudicated.

ENTERED this the _____ day of August 2003.

BAYARD V. COLLIER
CHAIR
MINE SAFETY REVIEW COMMISSION
132 BRIGHTON PARK BLVD.
FRANKFORT KY 40601
(502) 573-0316
FAX (502) 573-0344

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing DEFAULT JUDGMENT was mailed, by certified mail, return receipt requested, and by regular mail, postage pre-paid to the following this _____ day of August 2003:

HAROLD SWINEY

DRAFFIN KY *****

Respondent

And by regular mail, postage pre-paid to:

JACKIE HOLBROOK

BUSY KY *****

Respondent

HON. BILLY R. SHELTON

JONES, WALTERS, TURNER

& SHELTON, P.L.L.C.

151 N. EAGLE CREEK DRIVE, STE. 310

LEXINGTON KY 40509

Attorney for Timothy Hopkins

And by messenger mail to:

COMMISSIONER FRANK DELZER

DEPT. OF MINES & MINERALS

1025 CAPITAL CENTER DRIVE

FRANKFORT KY 40601

HON. TONY OPPEGARD

GENERAL COUNSEL

DEPT. OF MINES & MINERALS

1025 CAPITAL CENTER DRIVE

FRANKFORT KY 40601

And the original shall be kept on file:

MINE SAFETY REVIEW COMMISSION
132 BRIGHTON PARK BLVD.
FRANKFORT KY 40601

DIANE SCHULER FLEMING
GENERAL COUNSEL
MINE SAFETY REVIEW COMMISSION